

are too big to fail. And that is what these mergers are giving us—bigger and bigger banks, too big to fail—while the little folks out there, the family farmers and Main Street business enterprises, are apparently too small to matter. These folks have their merger risks guaranteed by the taxpayer, and the rest of the folks find choked markets and higher prices.

Take a look at the banks. You are paying higher bank fees. Banks are getting bigger and merging all over the country, and customers are paying higher bank fees. Take a look at the meatpacking industry. Three or four companies control the neck of the bottle on meatpacking. It pushes down low prices on the backs of farmers and ranchers.

Take a look at the airlines. We deregulated the airlines. Now we have about six major airlines in America that have retreated into what are largely regional monopolies without regulation.

What about railroads? We've seen merger after merger after merger. Now we have just several major railroads left in America. What happens is the people on Main Street, the consumers, the farmers, and others are told by the railroads, "Here is the way we are going to serve you. We are going to bring our cars by here. You better have what you want put on there in time, or you lose out. We will tell you what you pay, and if you don't like it, tough luck."

That is what a merger is. Concentration of markets means you injure the marketplace. When you have two big companies merge and you have one behemoth company, this country has lost something by diminishing the marketplace because you have less competition.

Our marketplace works based on competition. When you have less competition and more concentration, it hurts our marketplace. I hope there is energy in the Congress to help the Justice Department and others who review these mergers to find out are they more than just good for the companies, are they good for the country.

This list of the 25 largest corporate mergers completed or pending through May 11 is a fascinating list. There are a lot of banks, as you might well know, and communications companies. This next list talks about mergers and acquisitions over \$1 billion involving U.S. companies between 1983–1998. In 1983, we had 10 deals over \$1 billion. This year, there were 143 separate merger deals over \$1 billion each. Of course, the largest ones are just behemoth, setting all kinds of records.

I am not saying all mergers are bad all the time. I know of circumstances where two companies have merged and it was beneficial to everybody. I understand that. But we have an orgy of mega-mergers going on in this country today that I think does threaten the marketplace. I say to Joel Klein over in the Justice Department, and others,

be active, be aggressive. He recently testified before the U.S. House of Representatives that he needs some more resources in antitrust to deal with these issues. I am somebody who says, let's give him the resources.

I want this marketplace to work. It works when we have robust, aggressive competition. It chokes and clogs when we have concentration at the top. So I bring to my colleagues' attention these charts just to say we have gone from 10 mergers over \$1 billion in 1983 to 20, 26, 34, 35, 47—it goes on up. Now we have 143 different merger propositions over \$1 billion each, something we ought to care about.

There has not been anybody around this Congress for a long, long while to care about it. Senator Phil Hart, a great Senator for whom the Hart Building was named, spent a lot of his career here worrying about the issue of mergers and concentration. I hope, once again, we will see some from this Justice Department and from some in this Congress who will take a close look at all of these. That is not to say they are all bad, some might make sense, but to say there is more than one interest involved in these issues. There is more than one interest.

One interest might be the two companies who want to make more money and grab some markets. The other interest must be the interest of the American people and a free-market system that will only remain free if we have competition and only remain free if we don't have concentration and monopoly that chokes down markets.

I hope, perhaps in the coming months, that I can stimulate some additional discussion about this issue with some of my colleagues on both sides of the aisle.

Mr. President, I see my time has expired. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, out of courtesy, I defer to my colleague from Oklahoma, and I ask unanimous consent that I be able to follow him for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF JAMES CATHERWOOD HORMEL

Mr. INHOFE. Mr. President, first of all, I thank the senior Senator from Minnesota for his courtesy. We discussed this a few minutes ago and decided it might be better if I go first, because he might want to respond to some things I might say.

Some statements were made on the floor yesterday concerning my hold that I have on James Hormel to be the Ambassador to Luxembourg. It is true that I do have a hold on Mr. Hormel.

To clarify what a hold is, it is a courtesy. It is not a procedural matter. It is something that is a courtesy to the

leader so he will know there is opposition.

There very well may be a vote on this individual, but I will oppose his nomination, and I want to stand and tell you why.

The statement that was made on the floor was made by the senior Senator from Minnesota, Mr. WELLSTONE. I will read excerpts of it:

Now, one of my colleagues, and I think it is extremely unfortunate, one of my colleagues has compared Mr. Hormel, a highly qualified public servant and nominee, to Mr. David Duke, who, among other credentials, is a former grand wizard of the Ku Klux Klan.

He goes on to say:

I want to say to my colleagues, that given this kind of statement made publicly by a United States Senator, this kind of character assassination, it is more important now than ever that this man, Mr. Hormel, be voted on.

In defense, really, of the senior Senator from Minnesota, I say that if I had said what he thought I said, he was certainly entitled and justified to make the statements that were made. But I think it is important to know that I did not make those statements in the context that he believed I made them.

Let me, first of all, say that there probably are not two Members of the U.S. Senate who are further apart philosophically than the senior Senator from Minnesota and myself. I would probably, in my own mind, believe him to be an extreme left-wing radical liberal and he believes me to be an extreme right-wing radical conservative. And I think maybe we are both right.

But one thing I respect about Senator WELLSTONE is he is not a hypocrite. He is the same thing everywhere. He honestly, in his heart, believes the role of Government to be something different than I believe it to be. So we have these honest differences of opinion. One of the things I like about this body, the U.S. Senate, is that you can, in a spirit of love, talk about these things. And that is what we are doing right now.

Let me just real quickly say that I like activists. The Senator from Minnesota is an activist. I am an activist. In fact, this is the commencement season. I quite often give commencement talks. I talk to young people, and I say, "Whatever you are, don't be a mushy middle. Stand for something." I would far rather, even though I am a conservative, have one of these young people be a radical right-wing—or left-wing—either one—than just be in the mushy middle.

I quote Henry Ward Beecher now and then. He said,

I don't like these cold, precise, perfect people. In order not to say wrong, say nothing; in order not to do wrong, do nothing.

And the Lord had something to say about this, too. He said,

I know your works. You are neither hot nor cold. Because you are neither hot nor cold, you are lukewarm. And because you are lukewarm, I will spew thee out of my mouth.

He is saying the same thing I am saying. And I really believe this. And the young kids, they look at us as examples. In fact, when I was in the other body and was first elected, I would take interns down to the intersection of New Jersey and Independence, and I would say as they went across the street, I said, "There are three kinds of Members of Congress. There are extreme liberals, extreme conservatives, and then the mushy middle. And the goal of those in the mushy middle is to die in Washington, DC. And how do you die in Washington, DC? You take a poll, and you make statements that ingratiate yourself."

The senior Senator from Minnesota cannot be accused of that, nor can I. Unfortunately, we do have too many appeasers around.

Hiram Mann said, "No man survives when freedom falls. The best men rot in filthy jails. And those who cry 'appease' are hanged by those they try to please."

Let me tell you quickly what I did say so that it will be clarified for the Record.

I made the statement, when I was running for office—and I have been consistent with that—that if I get to the U.S. Senate, where I have the opportunity to participate in the confirmation process, that I will work to keep a nominee from being confirmed if that individual has his own personal agenda and has made statements to the effect that he believes stronger in his personal agenda and will use that office to advance his personal agenda more than he would the American agenda.

Now, in the case of James Hormel, he is a gay activist. He has made statements in the past, which I will read in a moment, that have led me to believe that his agenda, his personal agenda is above the agenda of the United States.

And I said the same thing would apply regardless of who the individual is. I made the statement that David Duke, if he were nominated, I would oppose him because he has made statements that his militia extremist agenda is more important than the agenda of America. I said in the way of Patricia Ireland, if she were nominated, I would feel the same way if she made statements saying that her feminist agenda was more important to her than the agenda of America.

And the same thing with one of my closest friends, Ralph Reed. I mean, Ralph Reed, who was the one who built the Christian Coalition, he is one with whom I agree. I agree with what he stands for. I spent the Easter recess in west Africa in the countries of Benin and Nigeria and Cote d'Ivoire talking about Jesus Christ. So I agree with him. However, if he were nominated, and he said, "I want this job so that I can advance my personal agenda over that of America," I think it would be wrong and I would oppose it.

So let us just see real quickly. I am going to read a couple things, and then my time will expire, and I think I will be on the record as I want to be.

During the course of the nomination process—I will read, first of all, the San Francisco Chronicle. This is on October 9 of 1997.

President Clinton's nomination of James Hormel . . . is the latest sign that he is making good on his post-election promise to reward gays and lesbians for their support, national gay leaders said today . . . I think it's the result of very hard work behind the scenes of national gay and lesbian organizations that have been pushing and pushing for these appointments to be made". . .

That was Kerry Lobel, the executive director of the National Gay and Lesbian Task Force.

I would also like to quote someone I think who is familiar to all of us—we hold her in very high esteem—Faith Whittlesey, former U.S. Ambassador to Switzerland. She was talking about this trend of trying to put people with their own personal agendas in the various Embassies. She made this statement. She said:

The United States is more socially radicalized than any other country in the world on this issue (gay rights). Ambassadorships may no longer be essential foreign policy positions, but they are still symbolically important. Starting with small countries to set a precedent for bigger appointments, what they're trying to do is use the U.S. diplomatic service to open deeply held religious convictions and social mores in other countries. Ambassadorial appointments should not be used for the purposes of social engineering in the countries to which the ambassadors are assigned.

One of the many statements that had been made previous about James Hormel that led me to the conclusion that he wanted to use this position to advance his agenda was the following statement he made on June 16, 1996. He said:

I specifically asked to be Ambassador to Norway because, at the time, they were about to pass legislation that would acknowledge same-sex relationships, and they had indicated their reception, their receptivity, to gay men and lesbians.

I think it is very difficult to put any interpretation on that other than the fact that individual wanted to be ambassador to that country because of pending legislation in that country.

So, Mr. President, I stand by the statements I have made. I certainly do not want anyone to say that I am comparing two individuals as individual personalities. But I will continue to oppose the confirmation of individuals who are nominated for various positions, if I believe, in my own heart, that that individual is not going to represent the best interests of America and has his own personal agenda in advance of Americans.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Might I ask the Chair to let me know when I have used 5 minutes, because I have another matter I want to discuss?

I thank the Chair.

The PRESIDING OFFICER. So ordered.

Mr. WELLSTONE. First of all, Mr. President, let me say to my colleague from Oklahoma, I appreciate his gracious personal remarks. I am proud to have his friendship. And the respect is mutual. The respect is mutual.

Second of all, let me say to my colleague that I am pleased to find out that he did not say it exactly as it seemed to be reported in Roll Call. And I think his clarification is terribly important. I might not agree with his analogy, but I understand exactly what he is saying. And I think he has clarified the record.

Third, let me just simply say to my colleague, and to other colleagues as well, that we have here a man, James Hormel, who has been nominated to serve as U.S. Ambassador to Luxembourg. Mr. Hormel comes to the U.S. Senate with enormous qualifications: dean of the students of the University of Chicago Law School, on the boards of such diverse groups as the San Francisco Chamber of Commerce, Swarthmore College, a generous giver, committed to community, a dedicated public servant. Frankly, the list goes on and on.

On May 23, 1997, a year ago, this very Senate unanimously confirmed him to serve as an alternative representative on the U.S. delegation to the 51st U.N. General Assembly. He has done a lot of marvelous work in human rights as well.

Mr. President, the fact that there is an article in the paper that says that the President nominated Mr. Hormel and believes that this was important to the gay community does not in any way, shape, or form suggest that Mr. Hormel has a personal agenda.

The fact that Mr. Hormel talked about a country that seems to have done a great job of moving away from discrimination against gays and lesbians as a very attractive country to him does not mean in any way, shape, or form that he would use this position to promote his own personal agenda.

In fact, Jim Hormel has clearly and publicly stated that he would "not use the Office of the Ambassador to advocate any personal views."

Mr. President, I simply have to say to my colleagues there is a personal part to this and a political part. For the personal part, here is a letter to Senator LOTT:

I am writing to you to urge you to bring James C. Hormel's nomination as Ambassador to Luxembourg to a vote on the floor of the Senate. The stone-walling of this appointment reflects a flagrant disregard to all that we hold precious in a democratic society. If he is voted down then so be it, but not to allow due process to take place is clearly an indictment of the branch of our government that seems at times to be inclined to exhibit its own peculiar form of despotism. The President has nominated him and the Senate Foreign Relations Committee has recommended him. Let the process take place.

I am a sixty three year old retired counseling psychologist. I am the mother of six children and the step-mother of three. I have 17 grandchildren. Thirteen of those grandchildren I share with James Hormel. I have

known Jim for 46 years and for ten of those years I was married to him. During those ten years we had five children.

And she goes on to say,

For many of those years he tried his hardest to live what was a lie. Of course, you might say I was the "injured party," but I grew to understand the terrible prejudice and hatred that he knew he would have to face, that he has faced and is facing as he goes through the difficult process that this nomination and its opponents have put him through. James Hormel is my dear friend. I care deeply about him and have great admiration for his courage in being open about his homosexuality and his willingness to put himself on the line in accepting this nomination.

James Hormel's former wife.

Mr. President, let me simply say to my colleagues that this is really an outrage. I understand what my colleague from Oklahoma had to say, but I will have an amendment when we come back that I will put on the first bill I can after the tobacco bill, which will say that the Senate ought to bring this up. The majority leader, we owe it to him.

Now, my colleague from Oklahoma has been clear on his position. I accept that. But I say to my colleagues that this man is eminently qualified. That is crystal clear, I think, to many of us, the majority of us. This man should be able to serve. And if, in fact, the reason he is being stopped—and this is what I fear; and I am not speaking to my colleague from Oklahoma—but if he is being stopped because of discrimination, because of the fact that he is gay, then let that come out on the Senate floor. Let us have the debate. And let's have colleagues come out here, no more holds, and speak directly to this nomination.

If you oppose him, then oppose him on the floor of the Senate. My colleague from Oklahoma has been clear about his position, but let's have that debate. We owe James Hormel this. We owe the U.S. Senate this.

This institution is on trial. If we don't bring this forward, I say to the majority leader, then I think we have to look at ourselves in the mirror. We need to bring this nomination forward. We need to have this debate. And we need to vote up or down. I believe elementary decency dictates that we do that. I will start having amendments on bills that will call on the majority leader to bring this nomination to the floor.

#### ISTEA

Mr. WELLSTONE. Mr. President, we will vote on ISTEA today. I know a number of colleagues want a voice vote. I can feel the pressure building. We are about to leave. I say to colleagues, we are not going to voice vote the bill. We can't have a voice vote. This is an important piece of legislation, and a whole lot has happened in conference committee. Frankly, all of us should be on record voting nay or yea, yea or nay.

For my own part, I want to talk about this piece of legislation. There are two points I want to make. This is a very important piece of legislation. I thank Minnesotans for all of their guidance. There is much about this legislation that I believe in, especially the important investment in infrastructure. I think it is a balanced approach.

However, I will not vote for this bill, and I will not vote for this bill for two reasons. First of all, I won't vote for this bill because—we still don't know what the offsets are, but it looks like much of it comes from VA. I say that because I believe it is an outrage that the money that could have gone into veterans health care—and I could go on for hours about what the gaps are in veterans health care—will, instead, be used as an offset in this legislation. I also believe that too much of this spending will take the place of other discretionary, affecting the most vulnerable citizens in this country.

The second reason that I cannot vote for this piece of legislation, as much as I believe in much of it, is the process. I think at the very end of this process there were several decisions made, one having to do with a sensitive environmental land dispute issue in Minnesota, the Boundary Waters, and I respectfully disagree with the way this is being done.

I will not do any bashing on the floor of the Senate. I don't want to do that. But I will not support this piece of legislation, I want to go on record.

Mr. President, I ask unanimous consent to have a letter printed from the Paralyzed Veterans of America. They say, "Don't Rob America's Veterans Again."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### VETERANS AND TOBACCO-RELATED ILLNESSES

VA compensation benefits should not be taken away for tobacco-related illnesses. Nicotine addiction is a medically recognized disability. DOD was culpable in veterans becoming addicted to cigarettes, and therefore these are bona fide service-connected disabilities. Smoking was not "willful misconduct."

Taking away tobacco-related VA compensation benefits because it is inconvenient for VA to process them, because they are costly, or because it is politically incorrect or unpopular, is a very dangerous precedent to set. What will be next, excluding benefits for bad diet or an unpopular war? There is no sound legal or moral basis to take this benefit away from veterans.

While some argue that veterans made the choice to smoke, no veteran chose to become addicted to nicotine and tobacco products. The tobacco companies, with the unwitting assistance of a military which encouraged and subsidized smoking, made the choice for veterans by getting them addicted to cigarettes.

This is not a new benefit that will be eliminated for the future. This is current law—benefits are already being granted—and what Congress is considering is taking away a veterans benefit.

Veterans are being singled out for unfair treatment. Other federal beneficiaries will continue to receive disability compensation

for tobacco-related illnesses; no one is proposing to abolish SSDI benefits. If passed, this will create an inequitable, unjust and unconstitutional situation under the equal protection clause for one class of individuals—veterans.

Prohibiting compensation for tobacco-related illnesses will have adverse effects on veterans seeking other benefits—related compensation (such as cancer resulting from chemical exposure), and certainly access to health care.

VA's projected savings for prohibiting tobacco-related claims are highly exaggerated. Experience to date shows that it is very difficult for veterans to prove these claims; approximately 7,400 claims have been filed, of some 3,100 that have been adjudicated thus far, fewer than 300 have been granted.

Any effort to take the money away from veterans tobacco-related compensation, in order to pay for pork-barrel transportation projects is an absolute outrage. This is election-year politics at its worst.

Congress must not support this outrageous proposal; Don't Rob America's Veterans!

#### CONGRESS: DON'T ROB AMERICA'S VETERANS AGAIN!

Congress wants to take billions of dollars from veterans' disability compensation in a money grab to increase overblown spending for transportation and highways.

As a result, thousands of sick and disabled veterans will be denied earned disability compensation.

Congress wants to exploit a veteran's use of tobacco as a convenient excuse to stop paying benefits where tobacco use may have had any role in a disability—even though the Department of Defense encouraged, subsidized and promoted tobacco use among servicemen and women.

Yet, Congress is not penalizing other Americans for their use of tobacco. Social Security, for instance, will still pay for tobacco-related disabilities.

Congress has already slashed billions from veterans' health and benefits programs, only to spend the money elsewhere.

To those in Congress who support this outrageous proposal, here's our advice: Quit your own bad habit of continually robbing veterans' programs.

#### Don't Rob America's Veterans!

A message from: AMVETS; Blinded Veterans Association; Disabled American Veterans; Jewish War Veterans of the U.S.A., Inc.; Military Order of the Purple Heart of the U.S.A., Inc.; Non Commissioned Officers Association of the USA; Paralyzed Veterans of America; Veterans of Foreign Wars of the United States; and Vietnam Veterans of America, Inc.

Mr. WELLSTONE. Mr. President, I think they are right. There are too many veterans out on the streets that shouldn't be. There are too many veterans that are struggling with PTSD that are not treated. There are too many veterans that, as they get older, are not clear what care there will be.

We have a flat-line budget that is not going to work for veterans. I think it is a big mistake to have taken this money out of what should have been an investment in veterans health care.

I yield the floor.

#### FOOD STAMPS AND ISTEA

Mr. HARKIN. Mr. President, I was listening to the debate on the House floor. They are debating the agricultural bill which has the food stamp